

17/14/03

34 U.S. PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Attorney Docket No.	0652.2210002/EKS/FRC
First Inventor	Fabio SOLDATI
Title	METHOD FOR IMPROVING THE CELL PROTECTION
Express Mail Label No.	

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 22]
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 10]

5. Oath or Declaration [Total Pages 2]

- a. Newly executed (copy)
- b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)

- i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application

Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program
(Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

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10/617838

ACCOMPANYING APPLICATION PARTS

- 9. Assignment Papers (cover sheet & document(s))
- 10. 37 CFR 3.73(b) along with copy Assignment
 Copy of Power of Attorney
(when there is an assignee)
- 11. English Translation Document (if applicable)
- 12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
- 13. Preliminary Amendment
- 14. Two (2) Return Receipt Postcard (MPEP 503)
- 15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- 16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17. Other: Authorization under 37 C.F.R. § 1.136(a)(3)
 Other: The name of the assignee is: Pharmaton S.A.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-Part (CIP)
Prior application information: Examiner Srivastava, K. of prior application No: 09/863,768
Group/Art Unit: 1651

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

Customer No. 26111



or Correspondence address below

(Insert Customer No. or Attach bar code label here.)

NAME

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

PATENT TRADEMARK OFFICE

Attorneys at Law

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STATE

ZIP CODE

CITY

TELEPHONE

FAX

COUNTRY

NAME (Print/Type) Frank R. Cottingham

Registration No. (Attorney/Agent) 50,437

SIGNATURE

Frank R. Cottingham

Date July 14, 2003

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **750.00**

Complete if Known	
Application Number	To be assigned (Divisional of 09/863,768)
Filing Date	July 14, 2003
First Named Inventor	Fabi Soldati
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	0652.2210002/EKS/FRC

METHOD OF PAYMENT (check all that apply)

- Check Credit card Money Order Other** None
 ** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

Deposit Account
 Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any over payments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES****Large Entity Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) _____

**or number previously paid, if greater; For Reissue, see above

SUBMITTED BY

Name (Print/Type)	Frank R. Cottingham	Registration No. (Attorney/Agent)	50,437	Telephone	202-371-2600
Signature	Frank R. Cottingham			Date	July 14, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, O.P. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fabio SOLDATI

Appl. No. To be assigned

(*Divisional of 09/863,768; Filed: May 24, 2001*)

Filed: July 14, 2003

For: **Method for Improving the Cell
Protection**



Confirmation No. To be assigned

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0652.2210002/EKS/FRC

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Frank R. Cottingham
Attorney for Applicant
Registration No. 50,437

Date: July 14, 2003

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July 14, 2003

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
(Divisional of 09/863,768; Filed: May 24, 2001)
Appl. No. To be assigned; Filed: July 14, 2003
For: **Method for Improving the Cell Protection**
Inventor: FABIO SOLDATI
Our Ref: 0652.2210002/EKS/FRC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. Application Data Sheet Under 37 C.F.R. § 1.76;
4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
5. U.S. Utility Patent Application entitled:

Method for Improving the Cell Protection

Commissioner for Patents
July 14, 2003
Page 2

and naming as inventor:

FABIO SOLDATI

the application consisting of:

- a. A specification containing:
 - i. 18 pages of description prior to the claims;
 - ii. 3 pages of claims (14 claims); and
 - iii. a one (1) page abstract;
 - b. 10 sheets of drawings: (Figures 1-10); and
 - c. A copy of the executed Declaration for Patent Application, as originally filed in U.S. Appl. No. 09/863,768;
6. A copy of the executed Power of Attorney from Assignee as originally filed in U.S. Appl. No. 09/863,768;
 7. A copy of the signed Certificate under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;
 8. Preliminary Amendment in the Revised Format of the Pre-OG Notice Dated January 31, 2003;
 9. Form PTO-2038 Credit Card Payment Form in the amount of **\$750.00** to cover the filing fee; and
 10. Two (2) return postcards.

Commissioner for Patents
July 14, 2003
Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham
Frank R. Cottingham
Attorney for Applicant
Registration No. 50,437

FRC/pcd
Encls.

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